

New institutions of inheritance law in comparison with the Swiss law

Abstract

The new legislation of the civil code no 89/2012, brings major changes to the Czech inheritance law. Institutes, that has been traditionally part of most of the European countries has been after decades reintroduced into the Czech legal system. Moreover there are also institutes, which are completely new. These institutes are namely inheritance contract, legacy, renouncement of inheritance, surrender of inheritance, alienation of inheritance and codicil. This thesis aims to describe these institutes in detail, including their historical background.

The new inheritance law legislation has been mostly influenced by the legislation effective in Czechoslovakia during 1920s and 1930s, meaning ABGB – the Austrian Civil code enacted in 1811. Also parts of the draft of a new civil code from 1937 were used as a template, as well as current civil codes of other European countries, as for example the German BGB or the Swiss ZGB. For the purpose of a legal comparison, this thesis contains also a brief description of the Swiss legislation concerning the above mentioned institutes.